

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

S.B.J.S., P.C.,
doing business as
SOUTHERN BONE & JOINT,

Plaintiff,

v.

JULIA MOORE,

Defendant,

JULIA MOORE,

Third Party Plaintiff,

v.

CIGNA HEALTH AND LIFE
INSURANCE COMPANY

Third Party Defendant.

CASE NO. 1:20-cv-373-RAH
(WO)

ORDER

On June 1, 2020, Third-Party Defendant Cigna Health and Life Insurance Company (Cigna) filed a Notice of Removal (Doc. 1) to this Court, asserting federal question jurisdiction pursuant to 28 U.S.C. § 1331 due to the ERISA claim (Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001 *et seq.*) allegedly asserted by Defendant Julia Moore. Believing that it may not have jurisdiction over this matter under *Home Depot U. S. A., Inc. v. Jackson*, ___ U.S.

_____, 139 S.Ct. 1743, 1745 (2019), the Court *sua sponte* on June 22, 2020 ordered Cigna to show cause why the Court had jurisdiction. (Doc. 5.) On July 8, 2020, Cigna filed its response (Doc. 6) in which it acknowledged that under the Eleventh Circuit's June 23, 2020, decision in *Bowling v. U.S. Bank Nat'l Ass'n, As Tr. for C-Bass Mortg. Loan Asset-Backed Certificates, Series 2007-SP2*, No. 17-11953, 2020 WL 3424928 (11th Cir. June 23, 2020), remand was appropriate. Plaintiff S.B.J.S., P.C. (SBJS) also filed a reply (Doc. 7) consenting to remand of this action. Defendant Julia Moore (Moore) did not reply.

Based on the consents to remand filed by SBJS and Cigna, the failure to object by Moore, the Eleventh Circuit's June 23, 2020, decision in *Bowling*, and this Court's own independent review of the record, the Court finds that it lacks jurisdiction over this matter. Accordingly, this matter is remanded to the District Court of Houston County, Alabama for further proceedings.

DONE and ORDERED, this the 21st day of July, 2020.

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE